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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,717	11/26/2003	Steve Postma	136851SV/YOD GEMS:0245	9773
7590	12/09/2005		EXAMINER	
Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			LIEU, JULIE BICHNGOC	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,717		<b>Applicant(s)</b> POSTMA, STEVE	
	<b>Examiner</b> Julie Lieu		<b>Art Unit</b> 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 15-21, and 26-27 rejected under 35 U.S.C. 102(b) as being anticipated by JP2002049900A.

#### Claim 1:

JP2002049900A (referred to as JP 900 herein after) discloses

- a. an assembly for use with a medical device comprising a component configured for operation with the medical device (inherent); and
- b. an RF transmission device 1a couplable to the component and configured to transmit information regarding the component. See USE section.

#### Claim 2:

The RF transmission device 1a is configured to transmit the information regarding the component in response to a command from the medical device.

#### Claim 3:

The device in JP 900 comprises an RF interrogator, wherein the RF transmission device transmits information response to a signal from the RF interrogator.

Claim 7:

The RF transmission device 1a is configured to transmit the information regarding the component in response to a signal from an RF interrogator.

Claim 15:

JP 900 discloses a system for maintaining a medical device comprising

- a. a medical device component and a RF transmitter 1a coupled to the medical device component and maintaining information related to the medical device component, and
- b. a RF receiver configured to receive the information related to the medical device component from the RF transmitter.

Claim 16:

The RF transmitter 1a maintains information related to installation of the medical device component in the medical device. See USE section.

Claim 17:

The RF transmitter 1a maintains information related to the manufacture of the medical device component. See USE section.

Claim 18:

The RF transmitter 1a maintains information related to the maintenance of the medical device component. See USE section.

Claim 19:

JP 900 discloses a system, thus, a method for maintaining a medical device comprising:

- a. storing information regarding a component of the medical device in a radio frequency (RF) device coupled to the component;
- b. activating the radio frequency (RF) device; and
- c. and receiving the information regarding the component via a transmission from the RF device.

Claim 20:

The method of activating in JP 900 comprises providing power to the RF device.

Claim 21:

The method of activating in JP 900 comprises interrogating the R.F device via an R.F interrogator.

Claim 26:

The rejection of claim 26 recites the rejection of claim 15, except it is a method claim.

Claim 27:

JP 900 discloses a maintenance system for a medical device comprising

- a. means 8 for activating a radio frequency (RF) device having information regarding at least one of maintenance, installation, and manufacture of a component of the medical device; and
- b. means 8 for receiving the information regarding the component of the medical device via a transmission from the RF device.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 6, 8-14, 22-25, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP2002049900A.

Claim 4:

It is not clear whether RF device 1a comprises a power source. However, it would have been obvious to one skilled in the art to use a power source to provide power to the RF device because it is conventional to provide power source for a device to operate it.

Claim 6:

It is not clear, but it would have been obvious to configure the system in JP 900 for replacement in an operating environment because it would be desirable for any device to be configured for replacement in an operating environment.

Claims 8 and 9:

JP 900 discloses an assembly for use with a medical device comprising a component (inherent) configured for operation with the medical device and an RF transmission device 1a configured to transmit information regarding at least one of manufacture, maintenance, and installation of the component. See USE section. The reference fails to disclose an imaging

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device, and the component is located in the imaging device. However, it would have been obvious to one skilled in the art to use the system in JP 900 in a medical imaging device such as a MRI device as desired because it would allow the user to obtain information of a medical imaging device as any other medical device. Also, one skilled in the art would have readily recognized that the component is located in the imaging device since it is used for operation the imaging device.

Claim 10:

Though the reference fails to disclose that the imaging device comprises a computed tomography device, it would have been obvious to one skilled in the art that a computed tomography device is commonly used with a medical imaging device. Thus, one skilled in the art would have readily recognized using a tomography device in an imaging device since it would be useful.

Claim 11:

The device in JP 900 includes R.F reader 8 configured to receive the information regarding the component from the RF transmitter.

Claim 12:

The system in JP 900 comprises an RF interrogator 8, wherein the RF transmitter is configured to transmit the information regarding the component in response to a signal from the RF interrogator.

Claim 13:

Though not clearly stated in the reference, it would have been obvious to one skilled in the art to reside the RF transmitter in the medical imaging device because the RF transmitter should be attached to the device it associated with.

Claim 14:

The RF transmitter in RF is coupled to a component.

Claim 22:

It is not clearly stated in JP 900 that the method comprises determining a component list of the medical device via the information received from the RF device. However, one skilled in the art would have readily recognized that the reference implies this step since the list would be obtained from results from communications between the interrogator 8 and RF transmitter devices on several components associated with the medical device.

Claim 23:

The reference discloses that service information is managed, thus, it suggests determining whether service is warranted on the component of the medical device based upon the information received from the RF device.

Claim 24:

The reference implicitly suggests servicing of the medical device in response to the information received from the RF device.

Claim 25:

The reference fails to clearly state scheduling maintenance for the component of the medical device based upon the information received from the RF device. However, one skilled

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in the art would have readily recognized that since the device and method in JP 900 is used for managing service data, scheduling service would be part of the managing.

Claim 28:

JP 900 fails to disclose using a computer program to perform the method and function of the device. However, it would have been obvious to one skilled in the art to use a computer to perform the managing task disclosed in the JP 900 because it would be desirable to use a computer to perform automatic monitoring because it reduces man tasks and information would always be up to date.

Claim 29:

The rejection of claim 29 recites the rejection of claim 25, except it is a method claim.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long, sweeping horizontal stroke extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2636

Dec. 05, 05